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Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women
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Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women

List of issues and questions in relation to the sixth periodic report of Nepal

Legal status of the Convention and definition of discrimination

1. In its sixth periodic report, the State party indicates that, in 2015, a new Constitution was adopted by the Constituent Assembly and that discrimination on any grounds is now prohibited (CEDAW/C/NPL/6, paras. 2 and 8).[1] The State party also indicates that it has, by an act amending some legislation relating to gender equality and ending gender-based violence, adopted in 2015, repealed any remaining gender-discriminatory legal provisions, thereby bringing 88 legal provisions into conformity with the principles of gender equality set out in the Constitution and the Convention (para. 11). However, there is no mention of specific measures taken to review relevant laws to align the definition of discrimination with article 1 of the Convention, as previously recommended by the Committee (CEDAW/C/NPL/CO/4-5, paras. 9–10). Please provide information on the steps taken, including a time frame, to amend legislation in order to include therein a definition of discrimination against women that is in line with article 1 of the Convention. Please state the number of instances in which national courts have made reference to the provisions of the Convention.

2. In accordance with the State party's obligations under articles 1 and 2 of the Convention and in line with target 5.1 of the Sustainable Development Goals, to end all forms of discrimination against all women and girls everywhere, and indicator 5.1.1, please provide information on the activities of existing mechanisms mandated to promote, enforce and monitor gender equality and the principle of non-discrimination on the basis of sex, including direct and indirect discrimination in the private and public spheres, as well as intersecting forms of discrimination, in all areas covered by the Convention. Please also provide information regarding legislation that governs the system for the collection, sharing and analysis of data,

[1] Unless otherwise indicated, paragraph numbers refer to the sixth periodic report of the State party.

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disaggregated by sex, age, caste, ethnicity, disability and geographic location, pertaining to all areas covered by the Convention. Please indicate the specific steps being taken to address intersecting and multiple forms of discrimination against women and girls on the basis of caste, class and ethnicity, which are prevalent in Nepalese society, in particular among Dalit and indigenous women and girls. Please also indicate the measures being taken to effectively carry out a law reform process to ensure the harmonization of the provisions of the Convention with national laws on gender equality and non-discrimination.

Access to justice

3. Please provide information on measures taken to improve access to justice for women and girls who are victims of discrimination or gender-based violence, including domestic violence. Please provide information on the legal aid regime that is in place and the extent to which women can access legal aid, in line with the Committee's general recommendation No. 33 (2015) on women's access to justice. Please state and provide relevant data on the measures being taken to improve the implementation rate of court judgments related to gender equality and women's empowerment, which is reportedly low, and to ensure that the Government complies with such judgments. Please provide information on whether the judiciary collects gender-disaggregated data based on adjudicated cases addressing gender equality and non-discrimination.

National machinery for the advancement of women

4. Please indicate whether the recent legislative changes to the National Women Commission, by which it was upgraded to a constitutional body, have also resulted in increased financial resources, personnel, autonomy, independence and accountability (para. 13). Please provide an update on efforts by the Ministry of Finance to institutionalize the gender-responsive budgeting system as a mandatory provision in the formulation of national budgets and on measures to involve gender focal units to monitor its implementation (para. 17). Please state whether gender-responsive budgeting has been integrated at the provincial and local levels.

Women and peace and security

5. The State party indicates that it has been implementing a national plan of action on the implementation of Security Council resolutions 1325 (2000) and 1820 (2008). Please provide information on the obstacles that impede the participation of women in conflict prevention, management and resolution and on the measures being taken to address them. Please state the measures that have been taken: (a) to address impunity for crimes of rape and other sexual violence committed during the armed conflict and provide data thereon; (b) to comply with the Supreme Court decision of 2015 to amend the amnesty provisions of the Enforced Disappearances Enquiry, Truth and Reconciliation Commission Act of 2014 and to reinstate criminal proceedings for conflict-related sexual violence that had been withdrawn; and (c) to ensure a zero-tolerance policy for the sexual exploitation of women and girls by the State party's security personnel, including border police, immigration officials and peacekeeping personnel.

Temporary special measures

6. In its previous concluding observations, the Committee expressed concern that the State party did not systematically apply temporary special measures as a necessary strategy to accelerate the achievement of de facto or substantive equality between men and women, in line with its general recommendation No. 25 (2004) on temporary special measures (CEDAW/C/NPL/CO/4-5, para. 15). Please indicate the measures,

including training, being taken to ensure that legislators, judges and law enforcement officials can acquire conceptual clarity on substantive equality. Please provide information on the specific temporary special measures adopted in order to accelerate the achievement of substantive equality between men and women, in particular in the public sector, and the extent of their effectiveness. Please state the measures being taken to introduce legislation on temporary special measures for women and to address the inequality and discrimination experienced by disadvantaged groups of women, in particular Dalit and indigenous women and girls.

Stereotypes and harmful practices

7. In its previous concluding observations, the Committee expressed concern about deep-rooted stereotypes and patriarchal attitudes that discriminate against women, which are entrenched in the State party's social, cultural, religious, economic and political institutions and structures, including the media (ibid., para. 17). Please provide information on the specific measures being taken to eradicate stereotypes that perpetuate discrimination against women, such as the preference for having sons, and the restriction preventing lactating mothers from seeking foreign employment for up to two years. Please describe the steps taken to develop policies and programmes directed at men and women to support the elimination of stereotypes associated with traditional roles in the family, the workplace and society at large.

8. The State party indicates that it, in collaboration with civil society organizations, is implementing campaigns to address harmful practices, such as forced and child marriages and accusations of witchcraft (para. 27). However, information before the Committee indicates that, despite the prohibition of child marriage by law, the practice remains common in the State party. Please provide information on the measures taken under the national strategy to end child marriage, adopted in 2016, to eradicate the practice and to amend the Criminal Code, which currently punishes minors for marrying below the minimum legal age of marriage. Please describe the measures being taken to harmonize the General Code and the Criminal Code, which have contradictory provisions with regard to the legality of child marriage. Please also provide information on: (a) progress achieved in eradicating the practice of isolating menstruating women and girls following the issuance of directives by the Supreme Court in 2005; (b) measures taken to protect and reintegrate former girls who had been offered for domestic work to families of landlords; (c) measures taken to eradicate the tradition of offering girls to deities to fulfil religious obligations; and (d) measures taken to address the forced genital mutilation of and discrimination against intersex persons, including reported cases of abuse, infanticide and forced marriage.

Violence against women

9. The State party reports that a national steering committee set up under the Prime Minister to address gender-based violence has been active in speeding up measures for effective implementation and monitoring and that the Gender Coordination and Empowerment Unit has assumed the lead role in mobilizing national capacity for managing and monitoring reported cases of violence against women (para. 32). Please provide information on challenges and achievements in the operationalization of the Gender-based Violence Information Management System to collect nationwide data on cases of violence against women and girls, including domestic violence (para. 36). Please provide an update on the results following the implementation of the national strategy and action plan on gender empowerment and ending gender-based violence (para. 41). Please also state the progress made in raising money for the Gender-based Violence Elimination Fund and the Emergency Child Rescue Fund.

10. Please provide information on the number of cases involving violence against women, including domestic violence, that have been reported, investigated and prosecuted and on the nature of sanctions imposed on perpetrators. Please indicate whether the State party plans to further extend the statutory limitation beyond six months for the crime of rape or to eliminate it altogether, in order to combat impunity (para. 35). Please describe the measures being taken to combat marital rape, including by increasing sanctions so that they are commensurate with the gravity of the crime. Please also provide updated information on the current situation with regard to support services, protective measures and shelters available to women and girls in all regions of the State party, including among disadvantaged groups of women, such as Dalit and indigenous women and girls.

Trafficking and exploitation of prostitution

11. Please provide information on the specific steps being taken to ratify the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, and to integrate its provisions into national law. Information before the Committee indicates that women and girls are trafficked for purposes of sexual exploitation and domestic work. Please provide information on the progress in and challenges to the implementation of the national plan of action to combat trafficking in persons since 2011 and the national plan of action against trafficking in women and children since 2012 (para. 47). The State party indicates that a fund for the rehabilitation of survivors of trafficking has been established in each district (para. 48). Please provide information on the number of women and girls who were victims of trafficking who have benefited from the fund. Please indicate the measures being taken to increase the number of rehabilitation homes and centres, and describe the services that exist in the State party for victims of trafficking, in particular women and girls. Please provide details on efforts to support women and girls at risk of trafficking following the earthquake that occurred in 2015, and specifically on existing mechanisms for access to justice and alternative livelihood options. Please also provide updated information on any measures taken, including entering into bilateral and regional agreements with neighbouring countries, to combat trafficking in women and girls, as previously recommended by the Committee (CEDAW/C/NPL/CO/4-5, para. 22 (d)).

Participation in political and public life

12. In its previous concluding observations, the Committee expressed concern about the underrepresentation of women, in particular Dalit and indigenous women, in high-level decision-making positions, public service, the judiciary and the diplomatic service (ibid., para. 23). Please provide information on the level of representation of women in those areas, and in academia, and on the specific measures that the State party is taking to address their underrepresentation. The State party indicates that, in 2016, the Government submitted a bill to amend the Local Bodies (Election Procedure) Act of 1992, in an effort to ensure that at least 50 per cent of candidates from each political party in an election are women (para. 52). Please provide information on the status of the bill and whether sanctions for non-compliance are envisaged. Please state whether measures are being taken to reform electoral quotas to ensure that specific quotas are introduced to allow women to participate in the two electoral systems, in order to grant them the opportunity to run in elections. Please indicate the other strategies and programmes in place to address such obstacles as discriminatory cultural and traditional beliefs and gender stereotypes that prevent women from participating in political and public life.

Nationality

13. In its previous concluding observations, the Committee expressed concern regarding, among other things, the obstacles affecting women who wish to transfer Nepalese citizenship to their children and foreign husbands and women married to Nepalese men who wish to obtain citizenship certificates, and the persistence of underlying conditions obstructing access to citizenship, including poverty, geographic isolation and onerous administrative requirements (CEDAW/C/NPL/CO/4-5, para. 25). Please provide updated information on the steps taken to address these concerns, in particular to ensure that women and men can transmit nationality on an equal basis. Please provide information on measures being taken to remove the restrictions placed on women by the Constitution of 2015 with regard to independently passing on their citizenship to their children and to remove all administrative obstacles that impede women from obtaining citizenship certificates in order to prevent statelessness. Please also provide information on measures being taken to ensure universal birth registration in the State party. Please describe the steps being taken to amend the Birth, Death and Other Personal Events (Registration) Act of 1976 to remove barriers so that women may independently register the births of their children.

Education

14. The State party indicates that the eighth amendment to the Education Act of 1971, adopted in 2016, further ensures free education up to the secondary level (para. 241). Please provide information on the specific measures being taken to reduce the extremely high dropout rate for girls and to address urban-rural disparities in access to education and in illiteracy rates among women and girls in the State party (CEDAW/C/NPL/CO/4-5, para. 27). Apart from the school food programme, please provide information on measures in place, including the provision of incentives such as scholarships, to encourage girls, in particular those in rural areas, to remain in school. Furthermore, in the light of information that girls frequently drop out of school owing to marriage and pregnancy, please provide information on the steps taken, including policy measures, to encourage pregnant and married girls to continue their education. Please provide data on the number of girls entering technical and vocational education and training and the nature of the courses pursued (para. 71). Please also provide information on measures taken to improve access to education for and literacy among disadvantaged groups of women and girls, including indigenous and Dalit women and girls and women and girls with disabilities.

Employment

15. Please provide information on measures being taken to eliminate horizontal and vertical segregation in the labour market and to reduce the gender wage gap in the public and private sectors. The State party indicates that the agricultural sector remains the main employer, with 75 per cent of women engaged in agricultural occupations, 10 per cent of whom are paid in kind (para. 80). Please indicate the steps taken to ensure access to social protection and benefits, including the right to basic health care, for women in the informal sector. Please describe the measures being pursued to eliminate wage discrimination between men and women, especially in the informal sector. Please also provide data on the number of complaints filed and investigated under the Sexual Harassment at Workplace (Offence and Punishment) Act of 2015 (para. 83). Please indicate the steps being taken to effectively implement the law.

16. The State party indicates that the rehabilitation process for freed bonded labourers and freed child bonded labourers is in its final stages (para. 79). Please provide an update and timelines on the status of that process and on the measures in

place to monitor the implementation of laws that prohibit the practice of bonded labour in the State party. Please provide information on any public outreach campaigns undertaken to inform the population about the need to protect children, in particular girls, from bonded labour and to ensure their access to education.

Health

17. The State party indicates that the implementation of the national safe motherhood and newborn health long-term plan, covering the period 2006–2017, has generated positive impacts on infrastructure development and the delivery of maternal health services at the rural level (para. 87). Please describe the specific impacts that the plan has had in reducing maternal and child mortality and the measures being taken to adopt a new plan. Please also provide information on access to health services for women and girls who were victims of the earthquake of 2015 and on the existence of an integral health policy for women and girls with disabilities, including facilities for leprosy and cancer rehabilitation services.

18. The State party indicates that its HIV investment plan, covering the period 2014–2016, was implemented with a view to ensuring gender sensitivity in addressing sexually transmitted infections, HIV/AIDS and sexual and reproductive health issues (para. 92). Please provide information on measures being taken to adopt a new plan and to ensure that an assessment is conducted regarding the challenges and opportunities that arose in implementing the 2014–2016 plan. Please provide data, disaggregated by age group, on the number of women and girls who are HIV-positive in the State party and information on measures to increase the availability of contraception, in particular in rural areas. Please describe the steps being taken to amend the General Code to decriminalize abortion in all cases. Please provide an update on progress made towards adopting the bill on reproductive health. Please also provide information on whether sexual and reproductive health education is targeted at both girls and boys, pays special attention to the prevention and control of sexually transmitted infections and is easily available in remote and rural areas.

Rural women and disadvantaged groups of women

19. Please provide information on measures taken to enhance the participation of rural women and women living in remote areas in the development of policies and legislation in areas that affect their rights. Please provide information on existing programmes aimed at ensuring that rural women have access to health care, employment, education and credit facilities, in line with the Committee's general recommendation No. 34 (2016) on the rights of rural women. Please provide information on projects in place to create more job and income opportunities for rural women.

20. Please provide information on the situation of disadvantaged groups of women, in particular older women, lesbian, bisexual and transgender women, women with disabilities, women migrant workers and asylum-seeking and refugee women and girls. Please provide information on the extent to which households headed by women are disproportionately affected by poverty and their lack of access to health services, education, employment and credit facilities. Please state the social protection measures that are in place to alleviate the gendered impacts of poverty in society. Please provide information on the number of women who have benefited from the Poverty Alleviation Fund and the Micro-Enterprise Development Programme (paras. 119 and 121).

Disaster risk reduction and climate change

21. In the wake of the earthquake that occurred in 2015, please provide information on the steps being taken to ensure that all humanitarian preparedness and response programmes and policies are gender-responsive and address the specific needs of women and girls during and after emergencies. Please describe the steps being taken to ensure the full participation of women in the development and implementation of policies and strategies on climate change mitigation and adaptation. Please indicate the steps being taken to develop gender-disaggregated databases at the federal, provincial and local levels of government on the impact of disasters and of the post-earthquake response on women and girls.

Marriage and family relations

22. In the light of the Committee's previous concluding observations, please provide information on progress achieved in revising discriminatory laws that perpetuate bigamy, unequal inheritance rights for married daughters and the unequal sharing of marital property upon dissolution of marriage (CEDAW/C/NPL/CO/4-5, para. 43).

Amendment to article 20 (1) of the Convention

23. Please indicate any progress made with regard to accepting the amendment to article 20 (1) of the Convention.